

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**FILED**

**JUN 28 2012**

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS OFFICE

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
GAROLD LEE SEMELKA, SR., )  
)  
Defendant. )

CRIMINAL NO. 12-30164-WDS

**STIPULATION OF FACTS**

The parties hereby stipulate that, if this case proceeded to trial, the Government would prove the following beyond a reasonable doubt:

1. On June 13, 2011, an officer participating in an Internet undercover operation identified a computer in Illinois offering child pornography for downloading. The officer downloaded five (5) image and/or video files depicting child pornography from that computer. One of the files downloaded included 15 separate and different images of minor engaging in sexually explicit behavior. All of the downloads were single source downloads, meaning that no portion of the image and/or video files downloaded came from any other source than this computer. During the investigation, the officer learned that the computer from which he downloaded the video files of child pornography was located at Defendant Garold Lee Semelka, Sr.'s residence in Belleville, Illinois, within the Southern District of Illinois.

2. The officer obtained a state search warrant for the defendant's residence in Belleville. The search warrant was executed on August 24, 2011. A HP Pavilion, Model m9426f, computer tower, bearing serial number MXX8390DSF was among the items seized from the defendant's home. Semelka and his wife were the only two individuals living in the home at the time of the search.

3. In a voluntary, videotaped interview on August 24, 2011, Semelka admitted possession of the image and/or video files found on the HP Pavilion computer tower, stating that the officers would find between 20 and 30 files depicting minors engaging in sexually explicit behavior on the computer. Semelka also admitted viewing child pornography that involved children as young as toddlers, and that he probably still had 30 or more of these types of files on his computer. Semelka stated that he was the sole user of the computer. Semelka said that he downloaded and viewed the image and video files depicting minors engaging in sexually explicit behavior, via the internet, using a file sharing program. Semelka stated that he believes that he has been downloading and viewing child pornography for eight (8) to ten (10) years, and that he had downloaded child pornography within one (1) to two (2) weeks prior to this interview.


4. A forensic review of the HP Pavilion computer tower revealed over 600 image and/or video files of minors engaging in sexually explicit behavior, including the five (5) image and/or video files that were downloaded by the officer working in an undercover capacity on June 13, 2011. The HP Pavilion computer tower and/or all or some of its components were manufactured outside of Illinois. In addition, the image and/or video files on the computer tower had been downloaded via the internet, a facility of interstate commerce.


5. At least three (3) video files, including the video file charged in Count 1 of the Information, was downloaded and received by the defendant, via the internet, a facility of interstate commerce, on April 9, 2011.

6. This stipulation of facts is intended only to provide the Court with a sufficient foundation to accept the defendant's guilty plea and is not necessarily an exhaustive account of the defendant's criminal activity.

**SO STIPULATED:**

  
\_\_\_\_\_  
GAROLD LEE SEMELKA  
Defendant

  
\_\_\_\_\_  
ANGELA SCOTT  
Assistant United States Attorney

  
\_\_\_\_\_  
LYNDON EVANKO  
Attorney for Defendant

Date: 6/28/12

Date: 6/28/12